

REMARKS

The Office Action dated October 7, 2003 has been reviewed. Claims 5, 11, 12, 16 and 18 are amended. Claims 1 and 3 were previously canceled without prejudice or disclaimer. Claims 2 and 4-18 are pending. Applicants thank the Examiner for allowing claims 12-15, and for indicating the allowable subject matter of claim 11. Claim 11 has been rewritten in independent form to include the features of the base claim. Accordingly, claim 11 is in condition for allowance.

The drawings are objected to. Applicants submit concurrently herewith a Request for Approval of Drawing Changes, addressing the Examiner's concerns. Withdrawal of the objection to the drawings is requested.

Claims 5, 12 and 18 have been amended in accordance with the Examiner's helpful suggestions in paragraph 3 of the Office Action. However, it is submitted that the amendments in no way narrow the scope of the claims, and are made merely for consistency and to expedite prosecution of the instant application.

Claims 4-10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,259,355 to Nakashima et al. ("Nakashima") in view of U.S. Patent No. 5,579,741 to Cook et al. ("Cook '741) and further in view of U.S. Patent No. 5,267,470 to Cook ("Cook '470"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima in view of Cook '741 and Cook '470, and further in view of U.S. Patent No. 5,803,056 to Cook et al. ("Cook '056"). The rejections under 35 U.S.C. § 103(a), of claims 2, 4-10, and 16 are respectfully traversed.

Claims 5 and 16 have each been amended to recite a device for controlling fluid flow, including a housing having a body portion and a cover portion, an electric transducer being disposed within the cover portion and in fluid communication with the fluid flow path, and an electrical connector being disposed within the cover portion, the electrical connector including a first set of terminals in electrical communication with an electric actuator and a second set of terminals in electrical communication with the electric transducer. Support for these features is provided at, for example, paragraphs 0018 and 0019, and Fig. 1, of Applicants' specification as originally filed. It is respectfully submitted that Nakashima et al. does not show at least the

features of an electric transducer being disposed within the cover portion and in fluid communication with the fluid flow path, and an electrical connector being disposed within the cover portion, and including a first set of terminals in electrical communication with an electric actuator and a second set of terminals in electrical communication with the electric transducer. Nor does Cook '741, Cook '470, or Cook '056 make up for the deficiencies of Nakashima. Accordingly, it is respectfully submitted that claims 5 and 16 are patentable. Claims 2, 4 and 6-10 ultimately depend from claim 5 and recite the same combination of allowable features recited in claim 5. Applicants respectfully request that the rejections under 35 U.S.C. § 103(a), of claims 2, 4-10, and 16, be withdrawn.

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakashima in view of Cook '741 and further in view of Cook '056. The rejection under 35 U.S.C. § 103(a), of claim 17 is traversed. Claim 17 recites a method of connecting a device for controlling fluid flow including establishing a single electrical connection between a wiring harness and both of a valve actuator and a transducer that are commonly disposed within the housing of the device. The Office Action relies upon terminal 96 in electrical communication with actuator 62 and transducer 86 of Cook '056, to modify the control circuit of Nakashima. However, it is respectfully submitted that modifying the control circuit 44 of Nakashima to include the terminal 96 in electrical communication with actuator 62 and transducer 86 of Cook '056 would render Nakashima unsatisfactory for its intended purpose. As illustrated in Fig. 2 of Nakashima, sensor housing 12 and electromagnetic valve 22 are separated by communication path 21, thus precluding a single electrical connection between a wiring harness and both of coil 25 and magnetic flux detector 20. As discussed in M.P.E.P. § 2143.01, "[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)." Accordingly, Applicants respectfully submit that claim 17 is patentable. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a), of claims 17, be withdrawn.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,211,151 to Nakajima et al. ("Nakajima") in view of Cook '056. The rejection under 35 U.S.C. § 103(a), of claim 18, is traversed. Claim 18 recites a method of connecting a device for

controlling fluid flow, including establishing a single electrical connection between the wiring harness and both of a valve actuator and a pressure transducer that are commonly disposed within the housing of the device. It is submitted that Nakajima fails to show at least the features of a pressure transducer disposed within the housing of a device. Moreover, there is no motivation to combine the terminal 96 in electrical communication with actuator 62 and transducer 86 of Cook '056, with the valve of Nakajima, at least because the valve of Nakajima does not have a transducer. Accordingly, Applicants respectfully submit that claim 18 is patentable. Applicants respectfully request that the rejection under 35 U.S.C. § 103(a), of claim 18, be withdrawn.

In as much as Applicants have addressed the objection to the drawings, amended the claims in accordance with the Examiner's suggestions, and addressed all claim rejections, it is submitted that all pending claims (*i.e.* claims 2 and 4-18) are in condition for allowance. Allowance of all pending claims is earnestly requested.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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